

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**NORMA OLIVER and MATT TOMS, individually and on behalf of all others similarly situated et al,**

**Plaintiffs,**

**v.**

**FUNAI CORPORATION, INC., et al,**

**Defendants.**

**Civil Action No. 14-4532 (JLL) (JAD)**

**ORDER**

**JOSEPH A. DICKSON, U.S.M.J.**

This matter comes before the Court upon Plaintiffs Norma Oliver and Matt Toms (“Plaintiffs”) request to engage in discovery, (ECF No. 82), and Plaintiffs’ Motion for a Brief Stay or in the Alternative an Extension of Time. (ECF No. 83). Pursuant to Federal Rule of Civil Procedure 78, the Court did not hear oral argument on Plaintiffs’ applications. Upon careful consideration of the parties’ submissions, (ECF Nos. 82, 83, 84), and for good cause shown; and

**WHEREAS** Plaintiffs’ scope of discovery, which appears to include discovery that would directly address claims in addition to the ones Defendants seek to dismiss, (see ECF Nos. 79, 80, 82)<sup>1</sup>, will unduly delay the consideration of Defendants’ Motions. Moreover, the parties are in disagreement whether the scope of the proposed discovery unnecessarily seeks information that is

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<sup>1</sup> Both Motions to Dismiss argue that Plaintiffs’ Complaint should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6), (ECF Nos. 79, 80), but only Defendant Funai Electric Co.’s Motion to Dismiss, (ECF No. 80), argues that it is not subject to personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

unduly broad or not reasonably related to the claims outside of the pending Motions to Dismiss. Accordingly, this Court has concluded that it would be more efficient for the District Court to resolve the pending Motions to Dismiss, (ECF Nos. 79, 80), thereby clarifying the appropriate scope of discovery going forward. Moreover, upon a review of Defendant's brief in support of its Motion to Dismiss, this Court has concluded that jurisdictional discovery is premature at this time. If the District Court determines, after a full review of the fully briefed Motion, that jurisdictional discovery is necessary, the Court can address the proper parameters of that discovery at that time,

IT IS on this 24<sup>th</sup> day of September, 2015,

**ORDERED** that Plaintiffs' request to engage in discovery, (ECF No. 82), pending consideration of the Motions to Dismiss, (ECF Nos. 79, 80), is hereby **DENIED**; and it is further

**ORDERED** that Plaintiffs' Motion for a Brief Stay or in the Alternative an Extension of Time, (ECF No. 83), is **GRANTED in part and DENIED in part**; and it is further

**ORDERED** that Plaintiffs' request to stay the briefing on Defendants' Motions to Dismiss, (ECF Nos. 79, 80), is **DENIED**; and it is further

**ORDERED** that Plaintiffs' request to stay briefing on Defendant's Rule 12(b)(2) arguments is **DENIED**; and it is further

**ORDERED** that Plaintiffs' request for an extension of time to oppose both Motions to Dismiss in their entirety is **GRANTED**. Plaintiff shall file an opposition to the pending Motions to Dismiss on or before October 12, 2015.

**SO ORDERED**

  
JOSEPH A. DICKSON, U.S.M.J.

cc: Hon. Jose L. Linares, U.S.D.J.